



**U.S. Department of Justice**

**Environment and Natural Resources Division**

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June 26, 2015

Phillip A. Brooks, Director  
Air Enforcement Division  
Office of Enforcement and Compliance Assurance  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Re: Request Pursuant to Section 205(c) of the Clean Air Act for a Waiver of the Penalty Limitation on EPA's Authority to Initiate Administrative Action Against H&S Performance, LLC

Dear Phill:

This is in response to your letter dated May 15, 2015, requesting a waiver to pursue administrative action against H&S Performance, LLC (H&S) in connection with the manufacture and sale of defeat devices in violation of the defeat device prohibitions of the Act and implementing regulations. I concur with your request for a waiver pursuant to Section 205(c) of the Clean Air Act (CAA), 42 U.S.C. § 7524(c), of the limitation on EPA's authority to assess administrative penalties, in order to pursue administrative action in this matter.

If you have any questions or wish to discuss this further, please call me or Leslie Allen (514-4114).

Sincerely,

Karen S. Dworkin  
Assistant Section Chief  
Environmental Enforcement Section